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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/924,111

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Michael A. Gaul

A-7172

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10/05/2007

SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

PENG, FRED H

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

10/05/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

## Office Action Summary

Application No.

09/924,111

Applicant(s)

GAUL ET AL.

Examiner

Fred Peng

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2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 10-23, 26, 30-36, 39, 43-48 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 10-23, 26, 30-36, 39, 43-48 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48 and 51 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues on page 13 lines 1-2 of Remarks that Kamen does not disclose, teach, or suggest at least where the channel listing characteristic comprises a predetermined number of channels presented concurrently; further argues that If, for instance, a user of the system of Kamen selects 18 channels to be displayed in the "Program Listings Today" mode, all 18 channels will not be listed on the same page. Kamen fails to teach configuring how many of those 18 channels will be displayed concurrently in the IPG. Therefore, Kamen does not disclose the feature of an IPG channel listing characteristic where the channel listing characteristic comprises a predetermined number of channels presented concurrently. Thus, Kamen does not anticipate independent claim 1 as amended.

The Examiner respectfully disagrees with applicant's arguments.

Kamen does teach at least where the channel listing characteristic comprises a predetermined number of channels presented concurrently (FIG.2; FIG.2A; Col 5 lines 9-24; where under "Program Listings Today" channel listing characteristics comprises 3 channels (ABC, FOX and CBS) presented concurrently. In another/changed user selected mode, e.g., "Sports Listings", "NEWS Listings" modes, etc, similar to the mode selected in FIG. 2 (not shown), which identifies and determines a number of channels that are showing programs that fit the user selected category (Sports in FIG. 2) at a specified time period (7 pm in the case of FIG. 2)).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., configuring how many of those 18 channels will be displayed concurrently in the IPG) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

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the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 15 lines 2-4, applicant argues that Kamen fails to disclose modifying a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing.

The examiner also respectfully disagrees with applicant's arguments.

Kamen also disclose the time listing characteristic is at least of the following: number of time listing presented concurrently and coverage of a time listing and modifying a predetermined number of time listing presented concurrently (FIG.2A - FIG.2C; In which Kamen discloses determining a number of listings shown for a user selected mode/time period, e.g., seven time listings are presented concurrently in FIG.2A, three time listings are presented concurrently in FIG.2 & FIG.2B, four time listings are presented concurrently in FIG.2C) and coverage of a time listing (In FIG. 2A and 2)).

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 8, 10-14, 17-23, 26, 30-36, 39, 43-48 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamen et al (US 6,421,067 B1).

Regarding Claims 1, 17, 30 and 43, Kamen discloses a system and corresponding method for providing interactive media services comprising:

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memory (304,302 - FIG. 6) for storing IPG (EPG) configuration data (software instructions) that is used to determine an IPG channel listing characteristic (look of the EPG/IPG information displayed) (Col 12 lines 19-25; Col 13 lines 26-27, 36-38; Col 14 lines 37-57) where the channel listing characteristic comprises a predetermined number of channels presented concurrently (identifying, determining and changing how many channels information is presented on the video screen at an instant; FIG. 2 and FIG. 2A; Col 5 lines 9-24. Kamen discloses a number of channels displayed on the screen depending on the user selected EPG mode. For example, in FIG. 2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the "Program Listings Today" mode. In another/changed user selected mode, e.g., "Sports Listings", "NEWS Listings" modes, etc, similar to the mode selected in FIG. 2 (not shown), which identifies and determines a number of channels that are showing programs that fit the user selected category (Sports in FIG. 2) at a specified time period (7 pm in the case of FIG. 2)).

Kamen further discloses logic configured to modify the IPG configuration data in response, to a first user input requesting a change in the IPG screen characteristic (Col 14 lines 50-52; Col 5 lines 18-20; Col 7 lines 24-27; Col 7 lines 56-60; Col 13 lines 25-51).

Regarding Claim 2, Kamen further discloses the memory is non-volatile memory (Col 12 lines 19-22).

Regarding Claims 3, 19-21, 32-34, 45, and 46, Kamen further discloses an IPG screen that is configured in accordance with the first user input (menu/option input; Col 13 lines 33-46) is presented to a user in response to receiving a second user input (command to display the EPG while normally watching TV, i.e., video only; Col 8 lines 26-31).

Regarding Claims 6, 26, 39 and 51, Kamen discloses a system and corresponding method for providing interactive media services comprising:

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memory (304, 302 - FIG. 6) for storing IPG (EPG) configuration data (software instructions) that is used to determine an IPG time listing characteristic (look of the EPG/IPG information displayed) (Kamen discloses the IPG software/instructions determine/compute how and what IPG time listing information is displayed; Col 8 lines 4-11, FIG. 2A, 2, & 2C; Col 12 lines 19-25; Col 13 lines 42-51 ) where the time listing characteristic is at least one of the following:

a predetermined number of time listings presented concurrently (FIG.2A - FIG.2C; In which Kamen discloses determining a number of listings shown for a user selected mode/time period, e.g., seven time listings are presented concurrently in FIG.2A, three time listings are presented concurrently in FIG.2 & FIG.2B, four time listings are presented concurrently in FIG.2C) and

a predetermined coverage of a time listing (In FIG. 2A and 2); and

logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic (Kamen discloses a first user input/request to modify the EPG presentation mode to one of the modes discussed above; Col 14 lines 50-52; Col 5 lines 18-20; Col 7 lines 24-27; Col 7 lines 56-60; Col 13 lines 25-51).

Regarding Claims 10, 22, 35, and 47, Kamen further discloses an IPG screen that is configured in accordance with the first user input is presented to a user via a display device (Col 13 lines 33-37; Col 14 lines 28-33).

Regarding Claims 11, 23, 36, and 48, Kamen further discloses the display device is a television (Col 15 line 23).

Regarding Claims 12, 18, 31, and 44, Kamen further discloses the first user input is provided via a remote control device (150- FIGs. 2& 6; Col 5 lines 19-21; Col 8 lines 26-31; Col 12 lines 40-42).

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Regarding Claim 13, Kamen further discloses the system is a client device (client to the B-caster and Internet servers; Col 14 lines 39-42; Col 6 lines 24-30; Col 14 lines 57-64).

Regarding Claim 14, Kamen further discloses the client device is a digital home communication terminal (DHCT) (PCTV; Col 4 lines 60-63).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen et al (US 6,421,067 B1) in view of Lemmons et al (US 6,442,775 B1).

Regarding Claims 15 and 16, Kamen discloses the EPG is a shell for access to additional applications by connecting to a server (Col 14 lines 57-64).

Kamen fails to disclose the system is a server device and located at a headend.

In an analogous art, Lemmons discloses an EPG server system located at a headend (television distribution facility 16 - FIG. 1) for generating EPG display screens (Col 5 lines 34-36 & 47-50).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Kamen to include the system is a server device and located at a headend as taught by Lemmons for the added advantage of decreasing the processing load of the receiving device.

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***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



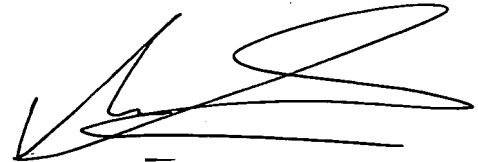
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
Patent Examiner

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized, sweeping flourish at the end.

VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600